

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-18 were pending in this application. Claims 2-8 have been cancelled by way of this reply without prejudice or disclaimer. As such, claims 1 and 9-18 are currently pending in this application. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

Claim Amendments

Independent claim 1 has been amended by way of this reply. Specifically, independent claim 1 has been amended to recite, in part, that “the hole comprises a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” that “the through hole is delimited by an inner edge,” and that “the inner edge is in continuous contiguous contact with a lateral wall of the electric motor.” Support for these amendments may be found, for example, within the originally filed claims, Figure 5 of the originally filed drawings, and paragraphs [0031]-[0032] of the published Specification. As such, no new matter has been added by way of these amendments.

Claim Rejections under 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,384,494 (“Avidano”). Claims 2-8 have been cancelled by way of this reply; thus, this rejection is moot with respect to claims 2-8. As this rejection applies to the remaining claims, as amended, this rejection is respectfully traversed.

Turning to the rejection, “[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant respectfully asserts that Avidano fails to disclose the limitations of the amended independent claims.

One or more embodiments of the present invention are directed to a ventilation device that includes a fan that is rotationally driven by an electric motor, which is firmly attached to a support. In one or more embodiments of the present invention, the central part 131 of the support 130 includes a through hole 123 which is intended to receive the open electric motor 120. The cross-section of the through hole 132 is substantially complementary to that of the open electric motor, shown in Figure 5. *See* published Specification, paragraph [0031]. Further, as shown in Figure 1 of the present invention, the through hole 132 is delimited by an inner edge 133, which

cooperates by continuous contiguous contact with a lateral wall 122 of the open electric motor 120.

See published Specification, paragraphs [0032]-[0033].

Accordingly, amended independent claim 1 requires, in part, that “the hole comprises a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” that “the through hole is delimited by an inner edge,” and that “the inner edge is in continuous contiguous contact with a lateral wall of the electric motor.”

The Examiner asserts Avidano discloses a support structure that is composed of rear body 40, aspiration duct 44, and separator ring 32. Furthermore, the Examiner asserts that Figure 3 of Avidano shows that separator ring 32 surrounds the outer periphery 11 of the motor 2 and is substantially sealed thereto such that the motor is substantially sealed and supported within the support 32. *See Office Action of June 11, 2010, page 5.* Applicant respectfully disagrees.

Specifically, Avidano merely discloses a motor driven fan having a body 8 of a stator of a motor 2 that is intended to be fixed to a support structure, illustrated in broken outline in Figure 1 of Avidano, indicated with the reference numeral 31. *See Avidano, column 2, lines 49-53.* It appears that the Examiner has mischaracterized the support structure of Avidano to include rear body 40, aspiration duct 44, and separator ring 32. Avidano clearly defines the support structure with reference numeral 31, and does not define the support structure to include rear body 40, aspiration duct 44, and separator ring 32.

Further, Avidano is silent regarding further details of how the support structure 31 is fixed to the body 8 of the stator of the motor 2 of Avidano. As such, it is apparent that Avidano fails to show that “the hole comprises a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” as required by amended independent claim 1.

Furthermore, as shown in Figures 1 and 3 of Avidano, and contrary to the Examiner’s contention that the support structure includes rear body 40, aspiration duct 44, and separator ring 32, the separator ring 32 *does not contact any surface* of the motor 2. In fact, Avidano discloses the rear body 40 to be fixed to the stator body 8, which *lies close* to the separator ring 32. See Avidano, column 3, lines 41-45. A space (a) that exists between the separator ring 32 and the motor 2 of Avidano is depicted in Figures 1 and 3 of Avidano, shown below.

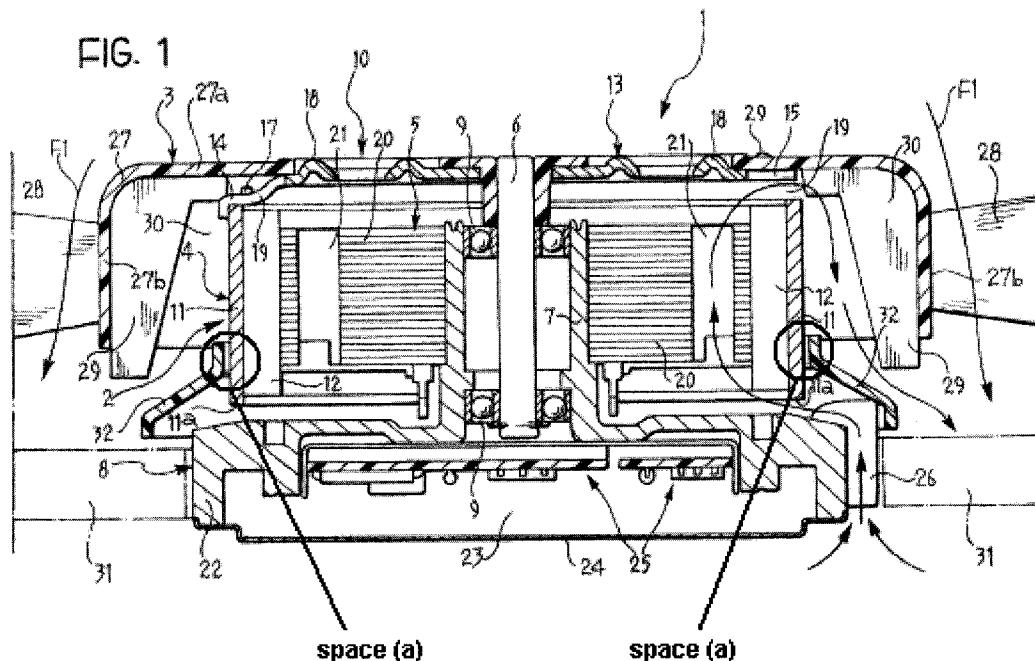
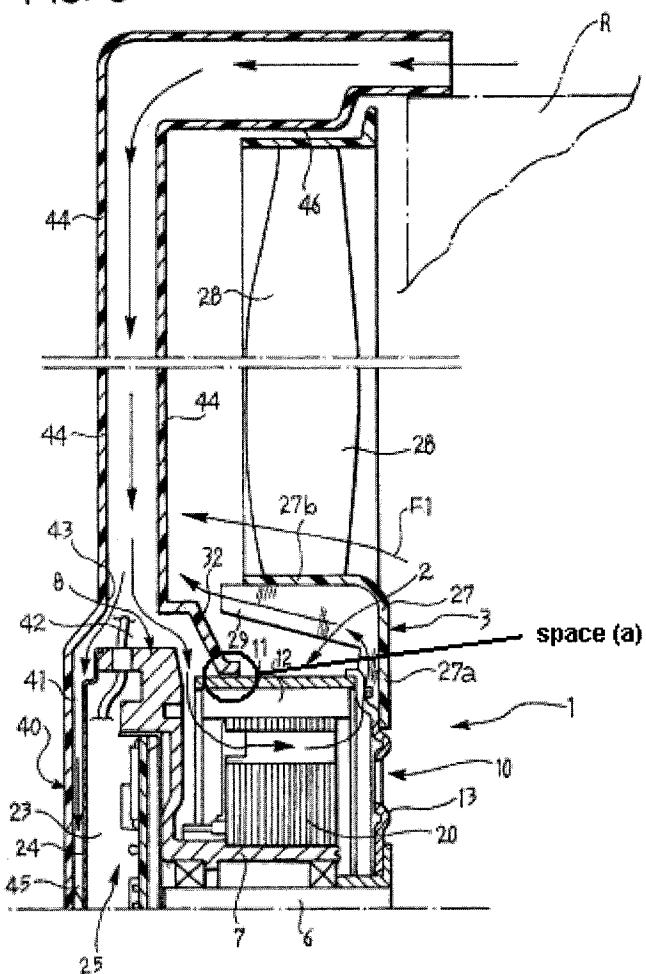


FIG. 3



As such, the separator ring 32 cannot be considered a part of the support structure of Avidano. Again, the support structure of the motor of Avidano was *explicitly* referred to as support structure 31, as discussed above, and does not include the separator ring 32. In fact, Avidano further admits that the motor driven fan, *conveniently, although not necessarily*, includes the separator ring 32 disposed around the end of the cylindrical wall 11 of the cap 10 facing the stator body 8. See Avidano, column 2, lines 54-58. This clearly illustrates that the separator ring 32 is not

an essential element of the support structure of Avidano, as the motor 2 is able to be supported *without* the separator ring 32.

Even considering *arguendo* that the separator ring 32 is part of the support structure of the motor 2 of Avidano, it is clear, as shown by the space (a) depicted above in Figures 1 and 3 of Avidano, that there is *no contact* between the separator ring 32 and the motor 2. Because there is *no contact*, at all, between the separator ring 32 and the motor 2, it is obvious that Avidano fails to show that the inner edge of the through hole is in continuous contiguous contact with a lateral wall of the electric motor, as required by independent claim 1.

Further, the Examiner asserts that the separator ring 32 of Aviando forms an opening (41, 42) that surrounds and holds the outer periphery of the motor 2. The Examiner refers to Figure 3 of Aviando, and asserts that the inner edge of separator ring 32 cooperates with the annular wall of the motor in a continuous, contiguous fashion, while the cover 24 cooperates with the rear portion of the motor. *See* Office Action of June 11, 2010, page 6. It appears that the Examiner has mischaracterized the cover 24 to be a lateral wall of the motor in continuous contiguous contact with an inner edge of a through hole, and also appears to have mischaracterized the air gaps 41, 42 of Avidano as being configured to receive the motor 2.

As discussed above, the separator ring 32 *does not contact* the motor 2. Further, any contact between the cover 24 and the *rear portion* of the motor appears to be irrelevant, as amended independent claim 1 requires that the inner edge of the through hole is in *continuous contiguous contact* with a *lateral wall* of the electric motor.

Furthermore, Applicant asserts that, as shown in Figures 3 and 4 of Avidano, the air gaps 41, 42 are closed by the rear wall of the rear body 40 and that the motor does not extend through the cavity defined by air gaps 41, 42. Thus, it is not possible for the air gaps 41, 42 of Avidano to be “a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” as required by amended independent claim 1.

In view of the above, amended independent claim 1 is patentable over Avidano. Pending dependent claims 9-18 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17258/002001).

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